

**Population Assistance Legislation:  
Excerpts from H.R. 4328, "Omnibus Appropriations for FY 1999," including  
the Tiahrt Amendment\***

"Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization;

Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, *and that any such voluntary family planning project shall meet the following requirements:*

*(1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes),*

*(2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning,*

*(3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services,*

*(4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method,*

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\*Pre-existing language is indicated in plain text. The italicized text is the Tiahrt amendment. This text appears in the Congressional Record of October 19, 1998, on pages H11085 and H11356. The bill was signed into law October 21, 1998.

*(5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits;*

*and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraphs (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency.*

Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso:

Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term 'motivate', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options:

Provided further, that nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961."

***Statement of Managers:***

*"The conference agreement includes language that states that voluntary family planning projects that are funded through this account meet certain requirements. The House bill included language with a similar intent. The Senate amendment did not address this matter.*

*The conference substitute states that project service providers or referral agents cannot implement or be subject to quotas or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning. The conference substitute deletes the word 'goals' from the original amendment because it is redundant in light of the prohibition on quotas and numerical targets. If goals are applicable to a project and are implemented in a manner that, in fact, makes them quotas or other numerical targets, then it is the conferees' intention that such 'goals' be considered as violations of this provision.*

*The conference substitute makes clear that projects may rely on quantitative estimates or 'indicators', so long as such estimates or indicators are used only for budgeting and planning purposes and do not function as quotas or numerical targets."*